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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,664	12/22/2000	Kenneth A. Parulski	82038RLW	4789

7590 12/15/2004

Patent Legal Staff  
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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/748,664

**Applicant(s)**

PARULSKI, KENNETH A.

**Examiner**

Kelly L. Jerabek

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/6/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of species 13 in the reply filed on 9/22/2004 is acknowledged. The traversal is on the ground(s) that species 1-3 are sub-species of the elected species. Applicant also states that all claims in this application are generic to the elected species. The Examiner is withdrawing the restriction requirement made on 8/26/2004.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al. US 2002/0171747 in view of Suzuki 5,691,772.**

Re claim 14, Niikawa discloses in figures 16A and 16B a digital camera (1) capable of displaying images. A user of the camera may input settings such as white balance, exposure compensation, and scene and contrast the captured image stored in memory with a corrected image (page 6, paragraphs 114-122). A captured image is displayed on EVF (20) and a copy of the image is displayed on LCD (10) (page 6, paragraphs 121-122). A user may input a setting of image correction such as white balance using buttons U,D,L, and R (page 6, paragraphs 123-126). The Examiner is reading the corrected image as a compensated image. Therefore, the user can modify the color balance of a copy of the original image to generate a compensated image. Furthermore, the original image (20a) is displayed on the EVF (20) while the compensated image (10a) is displayed on the LCD (10). Although Niikawa discloses generating a compensated image by adjusting the white balance (color balance) of a captured image, Niikawa fails to distinctly disclose measuring the color value of ambient illumination at a user interface of the camera and modifying the color balance of a captured image responsive to the measured color value of ambient illumination.

Suzuki discloses in figure 3 a white balance adjustment device for use with a video camera. The white balance adjustment device includes a color measurement unit (130) that receives light from the camera surroundings, analyzes it, and outputs signals to control circuit (110) (col. 4, lines 34-53). Since the color measurement unit (130) measures light from the camera surroundings it can be seen that the color value of all of the ambient light surrounding the camera is measured. The white balance adjustment means then adjusts the white balance of the output of the imaging means in accordance

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with the color value measured by the color measurement means (col. 4, lines 24-44).

Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of adjusting the white balance of an image output from an imaging means based on the color value of the light source surrounding the camera as disclosed by Suzuki in the digital camera capable of simultaneously displaying a captured image and a compensated image that is corrected by a white balancing operation as disclosed by Niikawa. Doing so would provide a means for providing a white balance adjustment device that is capable of determining the type of light source used to illuminate the area surrounding a camera and performing a white balancing in accordance with such a determination (Suzuki: col. 2, lines 48-52).

Re claim 15, Niikawa states that during the operation of setting display (10b) about correctable items such as exposure compensation, white balance, and scene the user presses buttons in order to generate a corrected image (compensated image) (page 6, paragraph 126). Niikawa further states that when a setting of a correctable item is changed, the corrected image (10a) in which the changed setting is reflected appears on the LCD (10) and the captured image (20a) remains displayed on LCD (20) (page 6, paragraph 127). Therefore, it can be seen that every time a setting of a correctable item is changed (every time a user presses buttons U,D,L,R) a new updated compensated image is displayed. The Examiner is reading this feature as ceasing displaying, discarding said compensated image and continuing storage of said stored image in camera. For example, when the user presses a button to change a setting of a

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correctable item the display is updated with a corrected image in which the newly changed setting is reflected. Therefore, the compensated image originally displayed is no longer displayed and is discarded. Furthermore, the captured image (20a) remains displayed on the EVF (20) during the change of settings thus the storage of said stored image is continued.

Re claim 16, the color measurement unit (130) disclosed by Suzuki receives light from the camera surroundings and analyzes it into a red component (Rb), a green component (Gb), and a blue component (Bb) and outputs signal currents (col. 4, lines 34-53). The red, green, and blue components are based on the luminance of the ambient illumination for each of the respective colors.

Re claim 17, the white balance adjustment switches (120,220,320) disclosed by Suzuki serve to select a white balance adjustment mode according to the kind of light source used to illuminate the subject. Color measurement units (130,230,330) then measure the color aspects of the light source used to illuminate the subject and control units (110,210,310) fluorescent lamp discrimination units (140,240,340) and variable amplifiers (104,204,304) are used to adjust the white balance (color balancing to a neutral balance) of the output of the imaging means in accordance with the adjustment mode selected and in accordance with the color value measured by the color measurement units (col. 5, lines 24-44).

***Allowable Subject Matter***

Claims 1-13 allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Referring to claims 1-13, the prior art fails to teach or suggest a color adjusted including a user interface ambient light detector and an image display mounted on said body **adjacent said sensor**.

Claims 18-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Referring to claims 18-19, the prior art fails to teach or suggest "...wherein modifying further comprises determining a white balance color space vector defining a

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white balancing of said stored image from said color value to a white point for a predetermined scene illuminant; determining a reverse color space vector originating at said color value and extending opposite said white balance color space vector; and color balancing said copy at a compensation poring located on said reverse color space vector".

Referring to claim 20, the prior art fails to teach or suggest "...wherein said modifying further comprises matching said color value to one of a plurality of reference illuminants to provide an assigned reference illuminant, each said reference illuminant having a different correlated color temperature; and color balancing said copy to a neutral point at the correlated color temperature of said assigned reference illuminant to provide a verification image".

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inoue (US 5,710,954) discloses a camera system having a function for photographing an image linked to an electronic image.



Miller et al. (US 6,411,306) discloses an automatic luminance and contrast adjustment for a display device.

Oshima (US 4,742,387) discloses a method and apparatus for automatically establishing a color balance of a color television monitor including an ambient light sensing and data compensating function.

Muka et al. (US 5,774,599) discloses a method for precompensation of digital images for enhanced presentation on digital displays with limited capabilities.

Yoon et al. (US 5,642,172) discloses an image processing system for adjusting the image characteristics of a display system.

Tanaka et al. (US 6,081,254) discloses a color correction system of an imaging apparatus.

Okino (US 5,617,139) discloses an image pickup apparatus.

Tanaka et al. (US 6,693,673) discloses a digital camera for adjusting charge accumulation time in response to object distance.

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Takahashi (US 6,822,677) discloses a method and device for adjusting white balance based on primary color signals modulated with a fourth color signal.


### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
**AUNG MOE**  
**PRIMARY EXAMINER**